



AMENDMENT TRANSMITTAL LETTER

Docket No.
SPINE 3.0437
CIPCIPCIPCIPCIPCON IV

| | | | |
|---|----------------------------------|-------------------------------|------------------|
| Application No. 10/784,628-Conf. #8401 | Filing Date February 23, 2004 | Examiner J. L. Cumberledge | Art Unit 3733 |
|---|----------------------------------|-------------------------------|------------------|

Applicant(s): Joseph P. Errico, Michael W. Dudasik, and Rafail Zubok

Invention: INSTRUMENTATION FOR INSERTING AND IMPACTING AN ARTIFICIAL
INTERVERTEBRAL DISC IN AN INTERVERTEBRAL SPACE

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

| CLAIMS AS AMENDED | | | | | |
|---|----------------------------------|--------------------------------|-----------------------------|----------|--------------------------|
| | Claims Remaining After Amendment | Highest Number Previously Paid | Number Extra Claims Present | Rate | |
| Total Claims | 8 | - 20 = | 0 | x 52.00 | 0.00 |
| Independent Claims | 1 | - 3 = | 0 | x 220.00 | 0.00 |
| Multiple Dependent Claims (check if applicable) | | | | | <input type="checkbox"/> |
| Other fee (please specify): | | | | | |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT: | | | | | 0.00 |

Large Entity

Small Entity

No additional fee is required for this amendment.

Please charge Deposit Account No. _____ in the amount of \$ _____.

A check in the amount of \$ _____ to cover the filing fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge and credit Deposit Account No. 12-1095 as described below. A duplicate copy of this sheet is enclosed.

Credit any overpayment.

Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

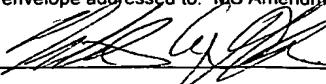

William A. Di Bianca
Attorney/Agent Reg. No.: 58,653

Dated: March 13, 2009

LERNER, DAVID, LITTBENBERG, KRUMHOLZ & MENTLIK, LLP
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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 13, 2009

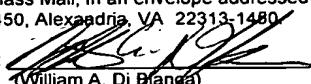
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O I P E MAR 16 2009
Docket No.: SPINE 3.0-437 CIPCIIPCIPCIPCON IV
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Errico et al.

Application No.: 10/784,628 : Group Art Unit: 3733

Filed: February 23, 2004 : Examiner: J. L.
Cumberledge

For: INSTRUMENTATION FOR INSERTING
AND IMPACTING AN ARTIFICIAL
INTERVERTEBRAL DISC IN AN
INTERVERTEBRAL SPACE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Dear Madam:

In response to the Official Action mailed November 14, 2008, Applicants submit the following amendments and remarks.